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2004-01-01

AUG 27 1998

FEDERAL COMMUNICATIONS COMMISSION  
FCC REMITTANCE ADVICEFILE COPY  
S-80-158  
Expires 1/30/97

PAGE NO. 1 OF 1

(Read instructions carefully BEFORE proceeding.)

## PAYOR INFORMATION

(1) FCC ACCOUNT NUMBER 8 0 7 2 3 5 7 3 5 5 Did you have a number prior to this? Enter it. (2) TOTAL AMOUNT PAID (dollars and cents) \$ 125 00

(3) PAYOR NAME (If paying by credit card, enter name exactly as it appears on your card)

Peninsula Communications, Inc.

(4) STREET ADDRESS LINE NO. 1  
Box 109

(5) STREET ADDRESS LINE NO. 2

(6) CITY  
Homer(7) STATE  
AK(8) ZIP CODE  
99603(9) DAYTIME TELEPHONE NUMBER (Include area code)  
(907) 235-6000

(10) COUNTRY CODE (if not U.S.A.)

## ITEM #1 INFORMATION

(11A) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR

Peninsula Communications, Inc.

(12A) FCC CALL SIGN/OTHER ID  
285AA

(13A) ZIP CODE

(14A) PAYMENT TYPE CODE  
M G F(15A) QUANTITY  
1(16A) FEE DUE FOR  
PAYMENT TYPE CODE  
IN BLOCK 14  
\$ 125.00

(17A) FCC CODE 1

(18A) FCC CODE 2

(19A) ADDRESS LINE NO. 1

(20A) ADDRESS LINE NO. 2

(21A) CITY/STATE OR COUNTRY CODE

## ITEM #2 INFORMATION

(11B) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR

(12B) FCC CALL SIGN/OTHER ID

(13B) ZIP CODE

(14B) PAYMENT TYPE CODE

(15B) QUANTITY

(16B) FEE DUE FOR  
PAYMENT TYPE CODE  
IN BLOCK 14  
\$

(17B) FCC CODE 1

(18B) FCC CODE 2

(19B) ADDRESS LINE NO. 1

(20B) ADDRESS LINE NO. 2

(21B) CITY/STATE OR COUNTRY CODE

## CREDIT CARD PAYMENT INFORMATION

(22) MASTERCARD/VISA ACCOUNT NUMBER:

☐ Mastercard

EXPIRATION DATE:

☐ Visa

Month Year

(23) I hereby authorize the FCC to charge my VISA or Mastercard  
for the service(s)/authorization(s) herein describe.

E3

AUTHORIZED SIGNATURE

DATE

See public burden estimate on reverse.

FCC FORM 159  
April 1994

# **SOUTHMAYD & MILLER**

1220 19TH STREET, N.W.  
SUITE 400  
WASHINGTON, D.C. 20036  
(202) 331-4100  
(202) 331-4123 Telecopier

Writer E-Mail:  
jdsouthmayd@msm.com

**August 26, 1998**

**VIA U.P.S. OVERNIGHT DELIVERY**

**Federal Communications Commission  
Mass Media Services  
P.O. Box 358200  
Pittsburgh, Pennsylvania 15251-5200**

**To Whom It May Concern;**

On behalf of Peninsula Communications, Inc. (hereafter "PCI"), this is to respectfully request **SPECIAL TEMPORARY AUTHORITY** to operate FM translator station K285AA, Kodiak, Alaska, as requested in the application assigned the file number BPFT-970616TL. This application proposes a minor change in the facilities of the translator and was accepted for filing in the Public Notice appended hereto as Exhibit 1. The Public Notice specifically notes that the application is a "minor change" and proposes a modification that will allow for the "re-instatement of service" by the translator. Nevertheless, the application remains pending over a year after it was filed with the Commission.

FM translator K285AA was forced to discontinue operation on November 12, 1997. This was the result of municipal construction that took place at the head-end of the translator that interferes with the ability of the translator to receive the signal of KWVV-FM, Homer, Alaska. PCI filed a letter with the Commission on November 12, 1997, indicating that the translator was being forced to terminate operation due to this problem. See Exhibit 2 hereto. The translator has remained silent since that date and is in jeopardy of forfeiting its license should it remain silent for twelve (12) consecutive months.

Accordingly, PCI requests that it be allowed to re-commence operation using the alternative delivery method proposed in the pending minor change application for K285AA. PCI will operate K285AA in this mode until the Commission takes final action on the pending application. In this way, the license for K285AA will not be allowed to terminate due to the inaction of the Commission and due to circumstances beyond the control of PCI.

**Request For Special Temporary Authority  
Peninsula Communications, Inc.  
August 26, 1998  
Page 2**

**PCI's co-owned translator K274AB, Kodiak, Alaska, was also forced to cease operation at the same time and for the same reason. A separate request for Special Temporary Authority to operate that translator is being filed contemporaneously herewith.**

**Enclosed herewith is a FCC Form 159 Fee Remittance Advice, a check in the amount of \$125.00 to pay the processing fee, and the Commission's anti-drug abuse statement.**

**Please contact the undersigned should you have any questions on this matter.**

**Very truly yours,**

**Peninsula Communications, Inc.**

**By.**

  
**Jeffrey D. Southmayd**

**Its Attorney**

**Enclosures**

# ANTI-DRUG ABUSE ACT CERTIFICATION

the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853a, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. § 1.2002(b).



Yes



No

Name of Applicant Peninsula Communications, Inc.	Signature David F. Becker
Date 8/25/98	Title President

EXHIBIT 1



# PUBLIC NOTICE

Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 24050

## BROADCAST APPLICATIONS

August 07, 1997

75733

<u>STATE</u>	<u>FILE NUMBER</u>	<u>CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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AM BROADCAST STATION APPLICATIONS FOR RENEWAL ACCEPTED FOR FILING

NV BR	-970523YU	KHIT	LOTUS RADIO CORP. RENO, NV	RENEWAL OF LICENSE
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NON-COMMERCIAL EDUCATIONAL FM APPLICATIONS FOR RENEWAL ACCEPTED FOR FILING

CA BRED	-970730WQ	KZYX	MENDOCINO COUNTY PUBLIC BROADCASTING PHILO, CA	RENEWAL OF LICENSE
CA BRED	-970731WA	KFJC	FOOTHILL-DE ANZA COMM COLLEGE DIST LOS ALTOS, CA	RENEWAL OF LICENSE
CA BRED	-970731WB	KCDS	HOWELL MOUNTAIN BROADCASTING COMPANY ANGWIN, CA	RENEWAL OF LICENSE
CA BRED	-970731WC	KCRH	SOUTH COUNTY COMMUNITY COLLEGE DISTR HAYWARD, CA	RENEWAL OF LICENSE
CA BRED	-970731WD	KUSF	UNIVERSITY OF SAN FRANCISCO SAN FRANCISCO, CA	RENEWAL OF LICENSE
CA BRED	-970731WE	KKUP	ASSURANCE SCIENCES FOUNDATION CUPERTINO, CA	RENEWAL OF LICENSE
CA BRED	-970731WF	KHSU-FM	HUMBOLDT STATE UNIVERSITY ARCATA, CA	RENEWAL OF LICENSE

FM TRANSLATOR APPLICATIONS FOR RENEWAL ACCEPTED FOR FILING

CA BRFT	-970731WH	K206AU	KHSU-FM, HUMBOLDT STATE UNIVERSITY FERNDALE/FORTUNA, CA	RENEWAL OF LICENSE CO-OWNED WITH KHSU-FM
CA BRFT	-970731WI	K207BH	KHSU/HUMBOLDT STATE UNIVERSITY GARBerville, CA	RENEWAL OF LICENSE CO-OWNED WITH KHSU-FM

- OVER -

BROADCAST APPLICATIONS

## FM TRANSLATOR APPLICATIONS TENDERED FOR FILING

NC	970728TF	NEW 95.9 MHZ	CAROLINA CHRISTIAN COMMUNICATIONS GREENVILLE, NC	CP NEW STATION, PRIMARY STATION WBFJ-FM
TX	970725TC	NEW 91.9 MHZ	CALVARY CHAPEL OF TWIN FALLS, INC. PLEASANTON, TX	CP NEW STATION, PRIMARY STATION KAWZ(FM)
WA	970722TE	NEW 107.1 MHZ	NORTH CASCADES BROADCASTING, INC BRIDGEPORT, WA	CP NEW STATION, PRIMARY STATION KOMW-FM
WA	970725TF	NEW 104.1 MHZ	EDUCATIONAL MEDIA FOUNDATION HAZEL DELL, WA	CP NEW STATION, PRIMARY STATION KLVP-FM

## FM TRANSLATOR APPLICATIONS ACCEPTED FOR FILING

AK BPFT	-970616TL	K 95AA 104.9 MHZ	PENINSULA COMMUNICATIONS, INC KODIAK, AK	CP FOR RE-INSTITUTION OF SERVICE (MINOR CHANGE)
TX BMPFT	-970627TB	K203CC 88.5 MHZ	AMERICAN FAMILY ASSOCIATION LOCKHART, TX	MP TO CP (BPFT-951010TA) TO CHANGE ANTENNA SYSTEM (MINOR CHANGE)

## EDUCATIONAL TV BROADCAST STATION APPLICATIONS ACCEPTED FOR FILING

NJ BMPET	-970224KI	WFME-TV CHAN-66	FAMILY STATION, INC WEST MILFORD, NJ	MP(BPET-860212KJ, AS MODIFIED) REQUEST A WAIVER OF THE RULE SECTION 73.1125 TO RELOCATE THE MAIN STUDIO
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ALAN C CAMPBELL, ESQ



**EXHIBIT 2**

# **SOUTHMAYD & MILLER**

1220 19<sup>TH</sup> STREET, N.W.  
SUITE 400  
WASHINGTON, D.C. 20036  
(202) 331-4100  
(202) 331-4123 Telecopier

Writer E-Mail:  
jdsouthmayd@smm.com

November 12, 1997

**VIA HAND DELIVERY**

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

**RECEIVED**

NOV 12 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: FM Translator K285AA  
Kodiak, AK

Dear Ms. Salas;

On behalf of Peninsula Communications, Inc., this is to notify the Commission that FM translator K285AA, Kodiak, Alaska has temporarily ceased broadcast operation as of this date. The translator will re-commence operation as soon as technical problems are corrected.

Please contact the undersigned should you have any questions regarding this matter.

Very truly yours,

Peninsula Communications, Inc.

By:

Jeffrey D. Southmayd

Its Attorney

**Federal Communications Commission**[FCC Home Page](#)[Search](#)[Commissioners](#)[Bureaus Offices](#)[Finding Info](#)[Help](#) | [Home](#)

## Application Search Details

**File Number:** BLSTA-19980827W3  
**Call Sign:** DK285AA  
**Facility Id:** 52164  
**FRN:**  
**Applicant Name:** PENINSULA COMMUNICATIONS, INC.  
**Frequency:** 104.9  
**Channel:** 285  
**Community of License:** KODIAK, AK  
**Silent Since:**  
**Silent Reason:** UNKNOWN  
**Application Type:** SPECIAL TEMPORARY AUTHORITY  
**Status:** GRANTED  
**Status Date:** 12/10/1998  
**Expiration Date:**  
**Tolling Code:**  
**Application Service:** FX  
**Disposed Date:** 12/10/1998  
**Accepted Date:** 08/27/1998  
**Last Public Notice:**  
**Last Report Number:**  
**Authorization:** Authorization not available  
**Legal Actions:** [View Legal Actions](#)

LAW OFFICES  
HALEY BADER & POTTS P.L.C.  
4350 NORTH FAIRFAX DR., SUITE 900  
ARLINGTON, VIRGINIA 22203-1633  
TELEPHONE (703) 841-0806  
FAX (703) 841-2345  
E-MAIL haleybp@haleybp.com

MICHAEL H. BADER  
ADMITTED IN VA AND D.C.

September 16, 1998

OUR FILE NO.  
0728-102-65

Ms. Magalie Roman, Salas, Secretary  
Federal Communications Commission  
Washington, D.C. 20554

In re: Peninsula Communications, Inc.  
FM Translator Stations K285AA  
and K274AB, Kodiak, AK  
Requests for STA  
Tendered August 27, 1998

Dear Ms. Salas:

By and through its attorneys, Cobb Communications, Inc. (hereinafter "Cobb"), the licensee of AM station KVOK and FM Station KRXX, Kodiak, Alaska, opposes the requests for special temporary authorization (STA) filed on August 27, 1998 for FM translator stations K285AA and K274 AB, both in Kodiak, Alaska. Cobb requests the dismissal of the two applications.

The request involves a substantial program of experimentation and development of a methodology for the delivery of a radio signal from mainland Alaska, across the Gulf of Alaska, to the two translators listed above. The asserted purpose of the authorization is to preserve the licenses of the two stations, since they have been off the air for some time and face the potential loss of their authorizations by reason of their "silent" status. Grant of the request for such extensive experimentation and development can only lead to the assertion of a need for future regularization of the STA facilities. This, in turn, will lead to a potential prejudice to the disposition of the license renewal applications for these and other translator stations.

Nowhere in this pair of applications is there any reference to the pending controversy over these and other authorizations held by the licensee. In fact, the parties to that controversy were not even served with copies of the STA requests. Cobb learned of the filing entirely by diligent examination of papers lodged in the Commission's offices.

The applicant seems to argue that Kodiak requires service from Mainland Alaska stations, and, that for this alleged reason, the requests should be granted. We challenge this bald assertion and point out that Kodiak is served by local full service stations, KVOK(AM) and KRXX(FM), as well as public station KMXT(FM); that it is not some remote part of the world or a "remote Alaska village" which cries out for service from stations many miles away; and that the area is substantial and significant, so much so that the full service stations clearly serve a principal community of size and importance. Kodiak Borough has population of 14,181; this includes the largest United States Coast Guard station in the world; Kodiak City has population of 6859, and the Coast Guard station adds another 1703 persons. The economic importance of the area is demonstrated by the fact that WalMart has located there, and the area is served by the usual commercial enterprises such as McDonald's, Burger King, and so on; Kodiak has seven daily airline flights, in and out, including twice daily jet 737 air, plus regular ferry service; and non-commercial, educational FM station KMXT provides a full range of public service to Kodiak. That service, along with Cobb's AM and FM stations, is extensive and of long-standing in the community sought to be covered by the applicant.

The applicant postures itself as providing local service to the Kodiak area. This is shown to be incorrect by the record. For example, the Kodiak Emergency Services Organization has expressed concern over the applicant's failure to participate in local disaster preparedness. While the applicant was on the air with its translator services in Kodiak, a Tsunami wave warning/watch was activated for Kodiak and vicinity. The three full service stations interrupted regular programming to provide vital timely information regarding the potential disaster, bearing in mind that in 1964, Kodiak was wiped out by a Tsunami. The applicant for these translators did not even make an on-air announcement. It carried nothing but music. Its two translator stations play no role in the Kodiak ESO plan. The same is true of claims that the applicant has made in the past about providing Alaska Department of Fish and Game with commercial fishing announcements, local weather and conditions and marine forecasts. None of those was carried by the translator stations in the period 1996 until they ceased operation in 1997.

There is no demonstrated need for the operations of these two translators. They are merely an accommodation of the desires of the applicant to extend its Mainland Alaska services to a community more than a hundred miles from the originating station.

Ms Magalie Roman Salas  
September 16, 1998  
Page 3

These matters are under consideration by the Commission at present. Granting the STA requests will prejudice the issues in the controversy there under scrutiny.

We request that the Commission not grant the two STA requests; that it proceed to the determination of the issues raised by the applicant in the separate proceeding; and that there be no action on a matter of controversy on the basis of two informal requests filed without notice to the parties in the controverted matter.

Respectfully submitted,

COBB COMMUNICATIONS, INC.

Haley, Bader & Potts, P.L.C.

By Michael H. Bader  
Michael H. Bader  
Its Attorneys

MHBapp

Ms Magalie Roman Salas  
September 16, 1998  
Page 4

Copies hereof are being sent to the following parties:

Southmayd & Miller  
1220 19th Street, NW  
Washington, DC 20036  
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David Tillotson, Esquire  
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Washington, D. C. 20007  
Counsel for Petitioners in the pending renewal proceedings

Pepper & Corazzini, LLP  
1776 K Street, NW  
Washington, DC 20006  
Of counsel in the pending renewal proceedings

Audio Services Division  
Federal Communications Commission  
Washington, D. C. 20554